

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 20**

RIN 1018-AD69

Migratory Bird Hunting; Seasons and Bag Limits for the 1996–97 Youth Waterfowl Hunting Day**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for the youth waterfowl hunting day for the 1996–97 duck-hunting season. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 1996–97 season. These selections will be published in the Federal Register as amendments to § 20.105 of title 50 CFR part 20.

EFFECTIVE DATE: September 21, 1996.

ADDRESSES: Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1996

On March 22, 1996, the Service published in the Federal Register (61 FR 11992) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. On June 13, 1996, the Service published in the Federal Register (61 FR 30114) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks, detailing information on the 1996–97 regulatory schedule, and announcing the Service Migratory Bird Regulations Committee and Flyway Council meetings. On June 14, 1996, the Service published in the Federal Register (61 FR 30490) a third document describing the Service's proposed regulatory alternatives for the 1996–97 duck hunting season and the Service's consideration of a proposed

youth waterfowl hunting day. On August 15, 1996, the Service published in the Federal Register (61 FR 425000) a proposal for the establishment of a special youth waterfowl hunting day. On September 18, 1996, the Service published the final framework for establishing a youth waterfowl hunting day for the 1996–97 migratory bird hunting season from which wildlife conservation agency officials from the States selected hunting dates, hours, areas, and limits. The final rule described here deals specifically with amending subpart K of 50 CFR part 20. It sets hunting seasons, hours, areas, and limits for the youth waterfowl hunting day.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14)," filed with EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, Federal Register (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES**.

Endangered Species Act Consideration

As in the past, the Service designs hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. Consultations have been conducted to ensure that actions resulting from these regulations will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. The Service's biological opinions resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and MBMO, at the address indicated under the caption **ADDRESSES**.

Regulatory Flexibility Act; Executive Order (E.O.) 12866 and the Paperwork Reduction Act

In the March 22, 1996, Federal Register, the Service reported measures it took to comply with requirements of

the Regulatory Flexibility Act and E.O. 12866. One measure was to prepare a Small Entity Flexibility Analysis (Analysis) documenting the significant beneficial economic effect on a substantial number of small entities. The Analysis estimated that migratory bird hunters would spend between \$254 and \$592 million at small businesses in 1996. Copies of the Analysis are available upon request from the Office of Migratory Bird Management. This rule was not subject to review by the Office of Management and Budget under E.O. 12866.

The Service examined these proposed regulations under the Paperwork Reduction Act of 1995 and found no information collection requirements.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States and Territories would have insufficient time to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication.

Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

Unfunded Mandates

The Service has determined and certifies in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order
12988

The Department, in promulgating this proposed rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 17, 1996

George T. Frampton, Jr

Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

For the reasons set out in the preamble, title 50, chapter I, subchapter B, Part 20, subpart K is amended as follows.

1. The authority citation for Part 20 is revised to read as follows:

Authority: 16 U.S.C. 703–712; and 16 U.S.C. 742 a–j.

BILLING CODE 4310–55–F

Note - The following annual regulations provided for by §20.105 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

2. Section 20.105(f) is added to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted.

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(f) Youth Waterfowl Hunting Day

The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.

Definitions

Youth Hunters: Includes youths 15 years of age or younger.

The Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

ATLANTIC FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 5 ducks may include no more than 1 female mallard, 1 pintail, 1 black duck, 1 canvasback, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The daily bag limit may include no more than 1 hooded merganser.

For all species, the possession limit for this special season and the regular season combined is twice the daily bag limit.

	Season Dates	Daily Bag Limit
<u>Connecticut</u>		
Ducks:		
Statewide	Nov. 9	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Delaware</u>		
Ducks	Oct. 26	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Florida</u>		
Ducks	Jan. 25	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Georgia</u>		
Ducks	Nov. 23	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15
<u>Maryland (1)</u>		
Ducks (2)	Nov. 2	4
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Massachusetts</u>		
Ducks	Oct. 12	5
Statewide	Same as for ducks	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	5
<u>New Hampshire</u>		
Ducks	Nov. 9	5
Statewide	Same as for ducks	5
Mergansers	Same as for ducks	15
Coots	Same as for ducks	15
<u>New Jersey</u>		
Ducks	Oct. 5	5
Statewide	Same as for ducks	5
Mergansers	Same as for ducks	15
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15

(2) In Maryland, the special season is closed on canvasbacks and the daily bag limit may include no more than 1 redhead.

(3) In South Carolina, the bag limit of 5 may not exceed 1 black duck, mottled duck, or female mallard in the aggregate.

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 5 ducks may include no more than 4 mallards (no more than 1 of which may be a female), 1 pintail, 1 black duck, 1 canvasback, 2 wood ducks, and 2 redheads.

Merganser Limits: The daily bag limit may include no more than 1 hooded merganser.

For all species, the possession limit for this special season and the regular season combined is twice the daily bag limit.

	Season Dates	Daily Bag Limit
<u>New York</u>		
Ducks		
Long Island Zone	Nov. 16	5
Lake Champlain Zone	Sept. 28	5
Northeastern Zone	Sept. 28	5
Southeastern Zone	Oct. 5	5
Western Zone	Oct. 5	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>North Carolina</u>		
Ducks	Jan. 25	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Pennsylvania</u>		
Ducks		
Statewide	Oct. 5	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens	Same as for ducks	15
<u>Rhode Island</u>		
Ducks	Nov. 23	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>South Carolina (3)</u>		
Ducks	Jan. 25	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Vermont</u>		
Ducks		
Statewide	Sept. 28	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Virginia</u>		
Ducks	Oct. 19	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15

(1) In Maryland, the accompanying adult must be at least 21 years of age and possess a valid Maryland hunting license (or be exempt from the license requirement). This accompanying adult may not shoot or possess a firearm.

	Season Dates	Daily Bag Limit
<u>Alabama</u>		
Ducks		
Statewide	Jan. 25	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15
<u>Arkansas</u>		
Ducks	Dec. 23	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Illinois</u>		
Ducks		
North Zone	Oct. 5	5
Central Zone	Oct. 19	5
South Zone	Nov. 2	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>Indiana</u>		
Ducks		
North Zone	Oct. 12	5
South Zone	Oct. 19	5
Ohio River Zone	Nov. 23	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15

	Season Dates	Daily Bag Limit
<u>Iowa</u>		
Ducks		5
Statewide	Oct. 5	5
Mergansers	Same as for ducks	
<u>Kentucky</u>		
Ducks		5
Statewide	Oct. 12	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15
<u>Louisiana</u>		
Ducks		5
Statewide	Dec. 7	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15
<u>Michigan</u>		
Ducks		5
Statewide	Sept. 21	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
Moorhens and Gallinules	Same as for ducks	15
<u>Minnesota (1)</u>		
Ducks		5
Mergansers	Sept. 21	5
Coots, Moorhens, and Gallinules	Same as for ducks	15
<u>Mississippi</u>		
Ducks		5
Mergansers	Jan. 25	5
Coots	Same as for ducks	5
Moorhens and Gallinules	Same as for ducks	15
<u>Missouri</u>		
Ducks and Mergansers		
North Zone	Oct. 19	5
Middle Zone	Oct. 26	5
South Zone	Nov. 16	5
Coots	Same as for ducks	15
<u>Ohio</u>		
Ducks		5
Pymatuning Area (2)	Oct. 5	5
Rest of State	Oct. 12	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15

Tennessee

Ducks

Statewide

Mergansers

Coots

Moorhens and Gallinules

Wisconsin

Ducks

Mergansers

(1) In Minnesota, North Heron Lake, South Heron Lake, North Marsh, and Duck Lake in Jackson County are closed to the taking of canvasbacks.

(2) In Ohio, in the Pymatuning Area, the bag limit restrictions for Pennsylvania apply.

CENTRAL FLYWAYFlyway-wide Restrictions

Duck Limits: The daily bag limit of 5 ducks may include no more than 1 female mallard, 1 pintail, 1 canvasback, 1 mottled duck, 2 wood ducks, and 2 redheads.

Merganser Limits: The daily bag limit may include no more than 1 hooded merganser.

For all species, the possession limit for this special season and the regular season combined is twice the daily bag limit.

Colorado

Ducks, Mergansers, and Coots

Ducks

High Plains

Low Plains

Early Zone

Late Zone

Mergansers

Coots

Coots

	Season Dates	Daily Bag Limit
<u>Nebraska (1)</u>		
Ducks and Mergansers		
Statewide	Sept. 21	5
Coots	Same as for ducks	15
<u>North Dakota</u>		
Ducks	Sept. 21	5
Statewide	Same as for ducks	5
Mergansers	Same as for ducks	15
Coots		
<u>Oklahoma</u>		
Ducks		
High Plains	Oct. 5	5
Low Plains	Dec. 7	5
Mergansers	Same as for ducks	5
Coots	Same as for ducks	15
<u>South Dakota</u>		
Ducks and Mergansers		
Statewide	Sept. 21	5
Coots	Same as for ducks	15

(1) In Nebraska, see State regulations for additional information on the daily bag limit.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 1 female mallard, 2 pintails, 1 canvasback, and 2 redheads.

Coot and Common Moorhen Limits: Daily bag limits are in the aggregate for the two species.

For all species, the possession limit for this special season and the regular season combined is twice the daily bag limit.

	Season Dates	Daily Bag Limit
<u>Arizona (1)</u>		
Ducks (2)		
North Zone	Oct. 5	7
South Zone	Jan. 25	7
Coots and Moorhens	Same as for ducks	25

	Season Dates	Daily Bag Limit
<u>California</u>		
Ducks		
Northeastern Zone	Sept. 28	7
Colorado River Zone	Jan. 25	7
Southern Zone	Oct. 12	7
Southern San Joaquin Valley Zone	Oct. 12	7
Balance-of-State Zone	Oct. 12	7
<u>Colorado</u>		
Ducks and Coots	Nov. 30	7
<u>Idaho</u>		
Ducks		
Statewide	Sept. 28	7
Coots	Same as for ducks	25
<u>Nevada</u>		
Ducks		
Clark and Lincoln Counties	Oct. 26	7
Rest of State	Oct. 5	7
Coots and Moorhens	Same as for ducks	25
<u>Washington</u>		
Ducks		
Statewide	Oct. 5	7
Coots	Same as for ducks	25

(1) In Arizona, a youth hunter must be 14 years old or less.

(2) In Arizona, the daily bag limit may include no more than either 1 female mallard or 1 Mexican-like duck, but not both.